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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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NATHAN McKUNE,

Plaintiff,

- against -

MR. S. HOLIDAY, MS. JACKSON, DEPARTMENT  
OF CORRECTIONS (STATE),

Defendants.  
-----X

**NAOMI REICE BUCHWALD**  
**UNITED STATES DISTRICT JUDGE**

**O R D E R**

07 Civ. 9771 (NRB)

The complaint in this action having been filed on November 5, 2007, and the Court having informed plaintiff's counsel by letter, dated August 5, 2008 of the obligation pursuant to Rule 4(m) of the Federal Rules of Civil Procedure to serve the summons and complaint within 120 days of filing, and no response to that letter having been received, and there being no evidence of service, it is hereby

**ORDERED** that the complaint be dismissed without prejudice.

Dated: New York, New York  
September 5, 2008



NAOMI REICE BUCHWALD  
UNITED STATES DISTRICT JUDGE